## MINUTES OF THE HOUSE JUDICIARY STANDING COMMITTEE MEETING

Room W010 - State Capitol Complex January 31, 2006

**MEMBERS PRESENT:** Rep. James A. Ferrin, Chair

Rep. Erik K. Hutchings, Vice Chair

Rep. Douglas C. Aagard

Rep. Ben C. Ferry

Rep. Glenn A. Donnelson Rep. Lorie D. Fowlke Rep. Ann W. Hardy Rep. Neal B. Hendrickson Rep. David L. Hogue

Rep. David L. Hogue Rep. Susan Lawrence Rep. Rosalind J. McGee Rep. Ross Romero

Rep. Scott L. Wyatt

**STAFF PRESENT:** Jerry D. Howe, Policy Analyst

Catherine Dupont, Associate General Counsel

Sylvia Newton, Committee Secretary

**NOTE:** A list of visitors and a copy of handouts are filed with the committee minutes.

Representative Ferrin called the meeting to order at 3:09 p.m.

MOTION: Rep. McGee moved to approve the minutes of the January 27, 2006 meeting with

the following correction:

On page 4, in the motion by Rep. Hogue to reconsider the committee's action on H.B. 257, Rep. McGee voted in opposition to the motion and Rep. Hutchings voted in support of the motion. With that correction, the minutes were approved with Rep. Donnelson, Rep. Hogue, and Rep. Wyatt absent for the vote.

## H.B. 223 Trespass Law Amendments (Rep. K. Gibson)

Rep. Gibson introduced H.B. 223 and explained it to the committee. He was assisted by Reed Richards, Weber County Deputy Attorney.

Spoke in favor of the bill: Todd Bingham, Utah Farm Bureau

MOTION: Rep. Wyatt moved to pass the bill out favorably. The motion passed

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unanimously with Rep. Donnelson and Rep. Hogue absent for the vote.

## H.B. 270 Emergency Medical Service Provider Tort Reform (Rep. S. Allen)

MOTION: Rep. Aagard moved to delete in title and body H.B. 270 and replace it with 1st

Sub. H.B. 270. The motion passed unanimously with Rep. Donnelson and Rep.

Hogue absent for the vote.

MOTION: Rep. Ferry moved to amend the bill as follows:

- 1. Page 2, Lines 34 through 39:
  - (2) For purposes of Subsection (1), "emergency care" means the treatment of an
  - 35 emergency medical condition, as defined in Section 31A-22-627, from the time that the person
  - 36 <u>is transported to the emergency department of a general acute hospital, as defined in</u> Section
  - 37 {<u>26-12-2</u>} <u>26-21-2</u>, and including any subsequent transfer to another hospital, until the condition has been
  - 38 <u>stabilized and the patient is either discharged from the emergency department or admitted</u> to
  - 39 <u>another department of the hospital.</u>

The motion to amend the bill passed unanimously with Rep. Donnelson and Rep. Hogue absent for the vote.

Rep. Allen introduced 1st Sub. H.B. 270 as amended and explained it to the committee. Chet Loftis, Utah Medical Association, assisted Rep. Allen and responded to questions.

Spoke in favor of the bill: Craig Marsden, M.D., emergency room physician

Bennion Buchanan, M.D., American College of

Emergency Physicians

Catherine Wheeler, M.D., Utah Medical Association

Todd Allen, M.D.

Dave Gessel, Utah Hospital Association

Spoke in opposition to the bill: Myrleen Kelly, Utah Citizens Alliance

Charlie Thronson, Utah Trial Lawyers Association

Bonnie Robbins, citizen

Edward Havas, Utah Trial Lawyers Association

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## Alan Mortensen, Utah Trial Lawyers Association

MOTION: Rep. Hutchings moved to pass the bill out favorably. The motion passed with

Rep. Donnelson, Rep. Fowlke, Rep. Hendrickson, Rep. Hogue, Rep. Romero, and

Rep. Wyatt voting in opposition to the motion.

The following bills were not considered at this meeting:

H.B. 90 Criminal Penalty Amendments (Rep. D. Litvack)

H.B. 124 Parent-time Amendments (Rep. B. Dee)

H.B. 307 Utah's Small Business Equal Access to Justice Act Amendments (Rep. R.

Romero)

H.B. 290 Protective Order Amendments (Rep. L. Fowlke)

H.B. 281 Privacy of Records Related to Minors (Rep. E. Hutchings)

There was discussion about whether to continue the meeting or adjourn.

MOTION: Rep. Ferry moved to proceed to the next item on the agenda.

**SUBSTITUTE** 

MOTION: Rep. Hardy moved to continue the meeting until 5:30 p.m. The motion failed

with Rep. Donnelson, Rep. Ferry, Rep. Hardy, Rep. Lawrence, and Rep. McGee

voting in favor of the motion.

The original motion to proceed to the next item on the agenda passed on a voice vote.

MOTION: Rep. Aagard moved to adjourn. The motion passed with Rep. Lawrence voting in

opposition to the motion.

Rep. Ferrin adjourned the meeting at 5:01 p.m.

Rep. James A. Ferrin, Chair